IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 31ST OCTOBER 2007 / 9TH KARTHIKA 1929

WP(C).No. 29069 of 2007(I)

PETITIONERS:

1. **M/S. HINDUSTAN UNILEVER LIMITED,**
   A COMPANY INCORPORATED UNDER THE COMPANIES ACT,
   1956, HAVING ITS FACTORY AT TATAPURAM, KOCHI-24,
   REPRESENTED BY ITS REGIONAL LEGAL MANAGER,
   T.S. VENKATESWARAN.

2. **MR. T.S.VENKATESWARAN,**
   OLD NO.30/7 (NEW NO.34/7), 3RD FLOOR,
   ASHRAYA APARTMENTS, 1ST AVENUE, SHASTRI NAGAR,
   ADAYAR, CHENNAI-20.

BY ADV. SRI.JOSEPH KODIANTHARA
SRI.MATHEWS K.UTHUPPACHAN

RESPONDENTS:

1. **STATE OF KERALA,**
   REPRESENTED BY CHIEF SECRETARY TO GOVT.,
   SECRETARIAT, TRIVANDRUM.

2. **THE DISTRICT COLLECTOR, ERNAKULAM.**

3. **THE REVENUE DIVISIONAL OFFICER,**
   REVENUE DIVISIONAL OFFICE, FORT KOCHI,KOCHI-682001.

4. **THE TAHSILDAR,**
   KANAYANNUR TALUK, ERNAKULAM.

5. **THE ADDITIONAL TAHSILDAR,**
   TALUK OFFICE, KANAYANNUR TALUK, ERNAKULAM.

6. **THE VILLAGE OFFICER,**
   ERNAKULAM VILLAGE, ERNAKULAM.

BY ADDL.ADVOCATE GENERAL SRI.VENGANOOR CHANDRASEKHARAN NAIR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 31/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

WPC.NO.29069/2007 I

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF ORDER DTD. 18/05/1994 IN C.P.NO.333/1993.**

EXT.P2: **COPY OF PATTA NO.840/1947.**

EXT.P3: **COPY OF THANDAPER NO.5480.**

EXT.P4: **COPY OF TAX RECEIPT DTD. 21/11/1997.**

EXT.P4(A): **COPY OF TAX RECEIPTS DTD. 9/01/1976, 30/12/1987, 3/01/1991 AND 27/09/1995 IN THE NAME OF TOMCO.**

EXT.P4(B): **COPY OF TAX RECEIPTS DTD. 16/02/2005 AND 22/02/2006 IN THE NAME OF THE PETITIONER.**

EXT.P5: **COPY OF COUNTER AFFIDAVIT DTD. 10/08/2005 FILED BY THE UNDER SECRETARY TO GOVT.REVENUE DEPARTMENT IN WP.NO.2445/2004.**

EXT.P6: **COPY OF COMMON JUDGMENT DTD. 25/08/2006 OF THIS HON'BLE COURT IN WRIT PETITION NOS.2445 OF 2004 AND 16224 OF 2003.**

EXT.P7: **COPY OF COMMON JUDGMENT DTD. 15/03/2007 OF THIS HON'BLE COURT IN WRIT APPEAL NOS. 233,234 AND 408 OF 2007.**

EXT.P8: **COPY OF CONTEMPT NOTICE DTD. 2/08/2007 ISSUED BY THE PETITIONER'S ADVOCATE TO THE SUB REGISTRAR, ERNAKULAM.**

EXT.P9: **COPY OF NOTICE DTD. 12/09/2007 ISSUED TO THE PETITIONER BYTHE 3RD RESPONDENT.**

EXT.P10: **COPY OF PETITIONER'S LETTER DTD. 19/09/2007 to the 3RD RESPONDENT.**

EXT.P11: **COPY OF REQUEST DTD. 16/08/07 OF THE ADDITIONAL TAHSILDAR REFERRED IN EXHIBIT P9.**

EXT.P12: **COPY OF NOTICE DTD. 22/09/2007 RECEIVED BY THE PETITIONER 3RD RESPONDENT.**

/TRUE COPY/

P.A.TO JUDGE

KSS

V.GIRI,J.

W.P (C) No. 29069 of 2007

Dated this the 31st October, 2007

J U D G M E N T

Petitioner challenges Exhibits P9, P11 and P12, which are notices issued by the Revenue Divisional Officer proposing enquiry in relation to the transfer of Registry effected in favour of the petitioner, in the year 1995. Several contentions have been taken up by the petitioner challenging the jurisdiction of Revenue Divisional Officer to conduct an enquiry or to cancel the transfer of registry already effected in favour of the petitioner.

2. In the counter affidavit filed by the respondents, it is stated that the Revenue Divisional Officer does not propose to proceed further with Exhibits P9 and P12. But it also mentions that the 2nd respondent can proceed against the petitioner as provided under Rule 18 (V) of the Transfer of Registry Rules, for which steps will be taken later on.

3. Submission made by the respondent in the counter affidavit to the effect that the 3rd respondent does not intend to proceed further with Exhibits P9, and P12 is recorded. It is also made clear that this court does not now propose to pronounce on

the correctness of the stand taken in the counter affidavit that the District Collector may at a later point of time proceed against the petitioner under the Transfer of Registry Rules. Contentions of either parties in that regard are left open.

The writ petition is disposed of as above.

(V.GIRI, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007